

Message Text

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ACTION ARA-14

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FM AMCONSUL RIO DE JANEIRO
TO SECSTATE WASHDC 5901
INFO AMEMBASSY BRASILIA
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LIMITED OFFICIAL USE SECTION 1 OF 2 RIO DE JANEIRO 0988

E.O. 11652: N/A
TAGS: SHUM, PINT, BR
SUBJECT: HUMAN RIGHTS DEVELOPMENTS

1. ALLEGATIONS OF TORTURE BY THE CIVIL POLICE, IN ONE INSTANCE, AND NAVY PERSONNEL IN ANOTHER, HAVE BEEN WIDELY PUBLICIZED FOLLOWING STATEMENTS BY LIBERAL SUPREME MILITARY TRIBUNAL (STM) MINISTER SA BIERRENBACH. IN ANOTHER DEVELOPMENT, A THUS FAR INCONCLUSIVE DEBATE IS TAKING PLACE BETWEEN THE JUSTICE AND FOREIGN MINISTRIES ON ONE SIDE, AND PEACE AND JUSTICE COMMISSION LEADERS AND ATTORNEYS ON THE OTHER, CONCERNING THE STATUS OF THOSE BRAZILIANS WHO ARE LIVING ABROAD FOR POLITICAL REASONS AND THEIR LACK OF ACCESS TO CONSULAR FACILITIES. BRAZILIAN WRITERS AND ENTERTAINERS, WHO PARTICIPATED AS JUDGES IN HAVANA'S CASA DE LAS AMERICAS ANNUAL PRIZE SELECTION FOR LATIN AMERICAN WRITERS, WERE QUESTIONED BY SECURITY AUTHORITIES ON THEIR RETURN TO BRAZIL, BUT WERE NOT ARRESTED. END SUMMARY.

2. CONINCIDENT WITH GOVERNMENTAL PROMISES OF LIBERALIZATION OF THE REGIME IN COMING MONTHS, AND UNDOUBTEDLY STIMULATED BOTH BY SUCH PROMISES AND BY EVIDENCE OF RELAXATION OF SOME GOVERNMENT CONTROLS (SEE BRASILIA 1151
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RE PRESS CENSORSHIP), THERE HAS BEEN INCREASING ATTENTION GIVEN TO HUMAN RIGHTS PROBLEMS IN RECENT WEEKS. AS THE FEDERAL GOVERNMENT HAS ALREADY CONCEDED THAT THE REVOLUTIONARY ACTS OF EXCEPTION WILL BE MODIFIED, MEDIA AND PRESSURE GROUP ATTENTION HAS FOCUSED LARGELY IN 1978 ON THE QUESTION OF AMNESTY FOR THOSE PUNISHED UNDER VARIOUS EXCEPTIONAL ACTS. IN ADDITION TO THE COMPLEX QUESTION OF

AMNESTY, THERE HAVE BEEN OTHER RECENT DEVELOPMENTS IN THE GENERAL FIELD OF HUMAN RIGHTS INDICATIVE OF THE GREATER ATTENTION BEING DEVOTED TO THIS SUBJECT BY THE PRESS AND SEGMENTS OF THE BRAZILIAN ELITE.

3. IN OCTOBER, 1977 (RIO 5137, 1977) STM JUSTICE ADMIRAL SA BIERRENBACH MADE A TRONG DENUNCIATION OF TORTURE IN COMMENING ON THE CASE OF A BANK ROBBER, PAULO JOSE DE OLIVERIRA MORAES, WHO HAD BEEN TORTURED WHILE UNDER DETENTION BY CIVIL AUTHORITIES IN RIO DE JANEIRO. THIS CASE, WHICH INVOLVES THREE DIFFERENT SETS OF LEGAL PROCEEDINGS AGAINST THE SAME INDIVIDUAL, HAS AGAIN SURFACED IN THE PRESS. MINISTER BIERRENBACH, IN NOTING THAT THREE OTHER PERSONS ALSO ACCUSED IN THE SAME CASE OF HAVING TAKEN PART IN THE BANK ROBBERIES WERE FOUND MURDERED DURING THE SPACE OF LESS THAN ONE WEEK IN 1975, COMMENTED THAT THE ONLY EVIDENT REASON MORAES HAD NOT BEEN INCLUDED ON THIS "FUNERAL REGISTER" WAS THE FACT THAT HE WAS SCHEDULED TO APPEAR BEFORE AN AIR FORCE COURT THE FOLLOWING WEEK.

4. THE PRESS, BRAZILIAN BAR ASSOCIATION (OAB), AND RIO STATE SECRETARY OF SECURITY QUICKLY REACTED TO THE STM'S REVIVAL OF THIS CASE. THE PRESS INACCURATELY SAID BIERRENBACH HAD ACCUSED THE RIO STATE AND FEDERAL POLITICAL POLICE OF HARBORING "DEATH SQUADS" AMONG THEIR MEMBERS. THE OAB RIO CHAPTER APPOINTED AN INVESTIGATING COMMITTEE TO LIMITED OFFICIAL USE

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EXAMINE THE CHARGES. AND THE STATE SECRETARY OF SECURITY INDICATED THAT AT THE REQUEST OF THE FEDERAL PROCURADORIA GERAL AN INQUIRY WOULD BE CONDUCTED INTO THE WHOLE MATTER. MEANWHILE, BIERRENBACH HAS STATED THAT HS HAS RECEIVED OVER 500 LETTERS AND TELEGRAMS ASKING HIS INTERVENTION INTO ANOTHER CASE INVOLVING ALLEGED TORTURE BY ELEMENTS OF FIRST NAVAL DISTRICT IN RIO OF THREE BROTHERS WHO EVIDENTLY WITNESSED THE MURDER OF A NAVY ENLISTED MAN. COMMENT: INVESTIGATIONS AND INQUIRIES INTO ALLEGED HUMAN RIGHTS VIOLATIONS BY POLICE AND MILITARY PERSONNEL HAVE A WAY OF BEING QUIETLY INTERRED. WE HAVE NO REASON TO BELIEVE THAT THE INQUIRES INTO BOTH CASES CITED ABOVE WILL END ANY DIFFERENTLY DESPITE ADMIRAL BIERRENBACH'S PERSONAL INTERVENTION. NEVERTHELESS, WE SUSPECT THAT HIS DEMONSTRATED INTEREST IN HALTING SECURITY SERVICES ABUSES IN TREATMENT OF COMMON CRIMINALS AND THE PUBLICITY ATTENDANT TO THIS INTEREST WILL SERVE TO REMIND SECURITY OFFICIALS THAT THEIR ACTIONS CAN BE THE OBJECT OF PUBLIC SCRUTINY.

5. CONGEN SAO PAULO IS SUBMITTING AN ANALYSIS OF THE CURRENT DEMANDS FOR AN AMNESTY FOR THOSE PUNISHED UNDER REVOLUTIONARY EXCEPTIONAL ACTS. ONE ASPECT OF THE AMNESTY

QUESTION IS THE PROBLEM OF THOSE BRAZILIANS WHO HAVE VOLUNTARILY LEFT BRAZIL FEARING POLITICAL PERSECUTION OR THOSE WHO HAVE LEFT INVOLUNTARILY. THE PRESIDENT OF THE SAO PAULO JUSTICE AND PEACE COMMISSION, DALMO DE ABREU DALLARI, HAS PUBLICLY ALLEGED THAT APPROXIMATELY 10,000 BRAZILIAN CITIZENS WERE LIVING IN EXILE AND THOSE CONSIDERED POLITICALLY UNDESIRABLE WERE UNABLE TO OBTAIN TRAVEL DOCUMENTS AND OTHER CONSULAR SERVICES FROM BRAZILIAN EMBASSIES. THE MINISTRY OF JUSTICE, IN ONE OF ITS RARE RESPONSES TO LIBERAL CRITICS, ISSUED A NOTE FEBRUARY 17 DENYING CATEGORICALLY THAT 10,000 BRAZILIANS ARE LIVING AS EXILES. THE MINISTRY STATED THAT SOME 128 BRAZILIANS, EXCHANGED IN 1969-1971 FOR KIDNAPPED DIPLOMATIC PERSONNEL IN BRAZIL, WERE EXPRESSLY FORBIDDEN FROM RETURNING TO LIMITED OFFICIAL USE

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BRAZIL. THE NOTE CONTINUED THAT THE ONLY OTHER BRAZILIANS LIVING ABROAD WERE DOING SO FOR THEIR INDIVIDUAL PERSONAL CONVENIENCE OR TO AVOID BRAZILIAN LEGAL PROCESSES AND THAT BRAZILIAN CONSULAR PERSONNEL ABROAD INVARIABLY GRANTED TITLES OF NATIONALITY VALID FOR RETURN TRAVEL TO BRAZIL TO THOSE CITIZENS WHO REQUESTED SUCH TITLES. COMMENT: THE PRESS HAS SUBSEQUENTLY CITED MANY INSTANCES IN WHICH BRAZILIAN NATIONALS LIVING ABROAD HAVE BEEN REPEATEDLY REFUSED PASSPORTS OR OTHER CONSULAR SERVICES DESPITE EFFORTS OF BRAZILIAN ATTORNEYS IN SOME CASES.

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6. FOUR PROMINENT BRAZILIAN ARTISTS (ANTONIO CALLADO, CHICO BUARQUE DE HOLANDA, FERNANDO MORAIS AND IGNACIO DE LOYALA BRANDAO) WENT TO HAVANA IN JANUARY AT CABAN INVITATION TO SERVE AS MEMBERS OF THE AWARDS COMMITTEE OF THE CASA DE LAS AMERICAS IN THE CASA'S ANNUAL SELECTION OF OUTSTANDING LATIN AMERICAN LITERATURE. (BRAZIL HAS HAD NO RELATIONS WITH CUBA SINCE THE 1964 REVOLUTION.) THE FIRST THREE NAMED ABOVE WERE DETAINED FOR INTERROGATION BY FEDERAL AND STATE POLICE IN RIO AND SAO PAULO ON THEIR RETURN TO BRAZIL IN MID-FEBRUARY (INEXPLICABLY POET BRANDAO WAS NOT). IN COMMENTS TO THE PRESS FOLLOWING HIS SECOND INTERROGATION ON FEBRUARY 28, CHICO BUARQUE, PERHAPS BRAZIL'S BEST KNOWN POPULAR COMPOSER, INDICATED THAT POLICE OFFICIALS WERE PRIMARILY INTERESTED IN CONTACTS HE MAY HAVE HAD WITH EXILED BRAZILIANS WHILE IN PORTUGAL AND ITALY DURING THIS TRIP ABROAD. THERE IS NO INDICATION THAT FURTHER POLICE ACTION AGAINST THE FOUR MIGHT BE INITIATED. THE FOUR ARTISTS STATED THAT CASA DE LAS AMERICAS WILL HENCEFORTH AWARD PRIZES FOR PORTUGUESE LANGUAGE WORKS AS WELL AS FOR THOSE WRITTEN IN SPANISH.

7. EMBASSY CONCURS.

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